

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2355  
OFFERED BY MR. BILIRAKIS OF FLORIDA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Opioid Prescription  
3 Verification Act of 2021”.

**4 SEC. 2. MATERIALS FOR TRAINING PHARMACISTS ON CER-  
5 TAIN CIRCUMSTANCES UNDER WHICH A  
6 PHARMACIST MAY DECLINE TO FILL A PRE-  
7 SCRIPTION.**

8 (a) UPDATES TO MATERIALS.—Section 3212(a) of  
9 the SUPPORT for Patients and Communities Act (21  
10 U.S.C. 829 note) is amended by striking “Not later than  
11 1 year after the date of enactment of this Act, the Sec-  
12 retary of Health and Human Services, in consultation with  
13 the Administrator of the Drug Enforcement Administra-  
14 tion, Commissioner of Food and Drugs, Director of the  
15 Centers for Disease Control and Prevention, and Assistant  
16 Secretary for Mental Health and Substance Use, shall de-  
17 velop and disseminate” and inserting “The Secretary of  
18 Health and Human Services, in consultation with the Ad-

1 administrator of the Drug Enforcement Administration,  
2 Commissioner of Food and Drugs, Director of the Centers  
3 for Disease Control and Prevention, and Assistant Sec-  
4 retary for Mental Health and Substance Use, shall develop  
5 and disseminate not later than 1 year after the date of  
6 enactment of this Act, and update periodically thereafter”.

7 (b) MATERIALS INCLUDED.—Section 3212(b) of the  
8 SUPPORT for Patients and Communities Act (21 U.S.C.  
9 829 note) is amended—

10 (1) by redesignating paragraphs (1) and (2) as  
11 paragraphs (2) and (3), respectively; and

12 (2) by inserting before paragraph (2), as so re-  
13 designated, the following new paragraph:

14 “(1) pharmacists on how to verify the identity  
15 of the patient;”.

16 (c) MATERIALS FOR TRAINING ON PATIENT  
17 VERIFICATION .—Section 3212 of the SUPPORT for Pa-  
18 tients and Communities Act (21 U.S.C. 829 note) is  
19 amended by adding at the end the following new sub-  
20 section:

21 “(d) MATERIALS FOR TRAINING ON VERIFICATION  
22 OF IDENTITY.—Not later than 1 year after the date of  
23 enactment of this subsection, the Secretary of Health and  
24 Human Services, after seeking stakeholder input in ac-  
25 cordance with subsection (c), shall—

1           “(1) update the materials developed under sub-  
2           section (a) to include information for pharmacists on  
3           how to verify the identity the patient; and

4           “(2) disseminate, as appropriate, the updated  
5           materials.”.

6 **SEC. 3. INCENTIVIZING STATES TO FACILITATE RESPON-**  
7                                   **SIBLE, INFORMED DISPENSING OF CON-**  
8                                   **TROLLED SUBSTANCES.**

9           (a) IN GENERAL.—Section 392A of the Public  
10 Health Service Act (42 U.S.C. 280b–1) is amended—

11           (1) by redesignating subsections (c) and (d) as  
12           subsections (d) and (e), respectively; and

13           (2) by inserting after subsection (b) the fol-  
14           lowing new subsection:

15           “(c) PREFERENCE.—In determining the amounts of  
16 grants awarded to States under subsections (a) and (b),  
17 the Director of the Centers for Disease Control and Pre-  
18 vention may give preference to States in accordance with  
19 such criteria as the Director may specify and may choose  
20 to give preference to States that—

21           “(1) maintain a prescription drug monitoring  
22           program;

23           “(2) require prescribers of controlled substances  
24           in schedule II, III, or IV to issue such prescriptions  
25           electronically, and make such requirement subject to

1 exceptions in the cases listed in section 1860D–  
2 4(e)(7)(B) of the Social Security Act; and

3 “(3) require dispensers of such controlled sub-  
4 stances to enter certain information about the pur-  
5 chase of such controlled substances into the respec-  
6 tive State’s prescription drug monitoring program,  
7 including—

8 “(A) the National Drug Code or, in the  
9 case of compounded medications, compound  
10 identifier;

11 “(B) the quantity dispensed;

12 “(C) the patient identifier; and

13 “(D) the date filled.”

14 (b) DEFINITIONS.—Subsection (d) of section 392A of  
15 the Public Health Service Act (42 U.S.C. 280b–1), as re-  
16 designated by subsection (a)(1), is amended to read as fol-  
17 lows:

18 “(d) DEFINITIONS.—In this section:

19 “(1) CONTROLLED SUBSTANCE.—The term  
20 ‘controlled substance’ has the meaning given that  
21 term in section 102 of the Controlled Substances  
22 Act.

23 “(2) DISPENSER.—The term ‘dispenser’ means  
24 a physician, pharmacist, or other person that dis-  
25 penses a controlled substance to an ultimate user.

1           “(3) INDIAN TRIBE.—The term ‘Indian tribe’  
2           has the meaning given that term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act.”.

